



Lamoine Board of Selectmen

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Minutes of February 13, 2014

Chair Jo Cooper called the meeting to order at 7:00 PM.

Present were Selectmen Cynthia Donaldson, Gary McFarland, Bernie Johnson, S. Josephine Cooper, Nathan Mason (arrived 7:07 PM due to snow storm); Administrative Assistant Stu Marckoon, Barry Mills, David Sanderson, Kathy Gaianguet, Charles "Linwood" & Yvonne Brann, Gordon Donaldson, Richard Fennelly Jr., Carol Korty, Heather Fowler, and Valerie Sprague

Agenda Review – No changes to the printed agenda were proposed.

Minutes – January 23, 2014 – Cynthia said she had some minor corrections to the draft minutes. Gary moved to approve with the corrections. Cynthia 2nd. **Vote in favor was 4-0 (Mason not yet present)**

February 6, 2014 – Cynthia again had some minor corrections to the minutes. Jo moved to approve as corrected. Gary 2nd. **Vote in favor was 4-0 (Mason not yet present).**

Expenditure Warrant 15 – Selectmen signed the warrant in the amount of \$174,821.17. Stu noted most of the warrant was for the RSU monthly bill.

Cash & Budget Report – There were no questions or comments regarding the printed report.

Tax Acquired Property – Stu reported one parcel was disposed of by quitclaim deed at the prior meeting, and he has not heard from the previous owner of the other piece of tax acquired property. He said that property is currently occupied and apparently the tenant is aware of the foreclosure. He advised this would best be referred to the town attorney for process on disposal. Jo moved to refer the matter to the town attorney. Gary 2nd. **Vote in favor was 4-0.** Cynthia suggested that the property not be sold swiftly, as the town might have some interest in retaining it, possibly as a library.

Meeting with Forest Hill and East Lamoine Cemetery Associations – Stu explained that the town received a bill for \$2,800 for care of veterans' graves from the East Lamoine Cemetery Association which exceeds the budget approved by town meeting. Richard Fennelly of the East Lamoine Cemetery Association said they could find no method to determine a fee for care of veterans' graves, so they went with the same rate as the Forest Hill association. He said he suspected the bill would create a talking point.

Jo said the town needs to care for its veterans' graves in a cost effective way. Linwood Brann said the majority of the veterans' graves in the Forest Hill Cemetery are perpetual care and the town is only billed for those vets' graves that do not have a perpetual care fund. Mr. Fennelly said the perpetual care option at East Lamoine was optional, but to purchase a burial site now, perpetual care is required. He said the association is unable

to maintain the cemetery on the interest that it makes. He said there was a lot of volunteer work being done.

Gary asked if the town should consider entering the costs into the budget. Bernie said the concern is also with the current budget. Stu said he is concerned that the town currently has no control over costs or any contractual agreement with the cemetery associations. Mr. Fennelly said he had no trouble with trying to reach an agreement between the cemetery association and the town. Mr. Brann said that was a reasonable approach. He noted Forest Hill has 81 veterans' graves. Mr. Fennelly said East Lamoine has 70. Mr. Brann said only a handful of the Forest Hill vets' graves do not have perpetual care. Gary said there are several vets' graves in Marlboro. Mr. Brann said there could be a future meeting to hammer out some agreement.

Jo said it would be good to have an idea on the costs. Cynthia said it makes it much easier to budget. Mr. Fennelly said mowing is the biggest cost. Jo asked about the flags. Stu said the town purchases those from the cemetery/parks budget and he, Edna Coyne, and Doug Stewart make a day of it in May to place the flags on the graves. Mr. Fennelly said stone repair is another cost, and he's been doing that on a volunteer basis.

Stu said he could draft up a possible contract and would check with his fellow municipal managers for ideas. Mr. Fennelly said he could also draft something.

Petition for Building and Land Use Ordinance Change – Jo said the Selectmen asked the town attorney for an opinion on the petitioned question. The meeting recessed briefly while that opinion was copied and distributed to the audience.

Jo said the major concern by the Selectmen was whether the petitioned question was legal. She said the attorney's opinion was that the language was fine, and that the issue with the comprehensive plan would not make the ordinance invalid. She said there was no reason the Selectmen could not accept the petition. Bernie said the opinion from the attorney put his mind at ease. Jo said the question now is when to put this to a town meeting warrant. She said the petitioners want this on the same evening as the annual town meeting.

Bernie asked how long the zoning ordinance has been in effect in Lamoine. Stu said for about 15-years. Jo said the Selectmen have 60-days to decide when to put this to a town meeting vote. She said she would rather wait to decide this at a special town meeting as there are several items the town has to address. Stu said he spoke with Maine Municipal Association earlier in the day and they advised that a public hearing is required before any town meeting because it's a zoning change, and that the Planning Board is the group that should sponsor the hearing. He said time would be very tight to accomplish the advertising required.

Cynthia said Planning Board chair John Holt had sent an e-mail to the board in regard to ordinance changes and what was coming from where. A brief discussion followed. Jo said she understands that the petitioners would like to have this decided at the annual town meeting. She said she is trying to do the legal thing, and she is unbiased. Gary

said he would tend to agree with the opinion from MMA. Jo said the Selectmen will put this question before the town meeting. Bernie said if there were a public hearing before a special town meeting, it would give the public some time to see the question and digest it, instead of getting a rush before the annual town meeting. He said voters would be surprised if this showed up at the end of the annual meeting.

Jo said she did not understand the urgency of the petitioners. Barry Mills, the attorney for the petitioning group, asked if this went before the planning board, would it be a meeting or a hearing. Stu said the explanation he received from MMA was that the planning board is required to hold a hearing on any zoning change question prior to it being considered by the town meeting. Mr. Mills said it would be better not to have ambiguity on this matter. Carol Korty said this is not a zoning change. Stu said it is because it changes an allowed activity in a particular zone. Ms. Korty asked if the public hearing is required because it is a zoning change. Stu said that was correct.

David Sanderson said that while the Selectmen may feel the petitioners are pushing hard, he feels like the petitioners are hitting a speed bump every time they come to speak with the Selectmen. He said he was concerned that Stu was bringing up the public hearing requirement at this point, 6-weeks after the original petition was presented. Jo gave a time line of the petition presentations. She said they start putting the town meeting warrant together well before the first of the year. She said they are concerned that the public have the town meeting information, and there was no attempt to block anything.

Attorney Mills said it might be arguable that the zoning change process trumps the petition process. Jo said she's sorry that it's perceived that the Selectmen are trying to block things. A brief discussion followed on the feelings regarding delays. Cynthia said the issue is about procedure and the Selectmen are trying to stick to the proper procedure. She asked why the petitioners feel so strongly about having this item at this upcoming annual town meeting. Ms. Korty said the issue of mining has been on peoples' minds for decades, and it has gotten more intense over the last 50-years. She presented a lengthy history on gravel mining and said it is no longer a light commercial activity but is now an industrial activity. She said the stricter ordinance was enacted last March. Jo said the question was why this is urgent. Ms. Korty says the annual town meeting gets the most people out. She said the upcoming meeting is already dealing with suggested gravel ordinance changes from the Planning Board.

Jo said the Selectmen would decide on a town meeting date within the 60-day requirement. Ms. Korty said the huge industry is already gutting the center of town and if this question is decided at the town meeting, the new gravel task force and the possibly soon to be appointed Comprehensive Planning Committee would have some valuable feedback.

Kathy Gaianguest she's uncomfortable not knowing when a special town meeting would take place. Jo said she could sympathize with the petitioners, but the timing won't work for this to be on the annual town meeting warrant. Valerie Sprague said many people

think mining has gone too far. Jo said this will go before the town, and the Selectmen have 60-days to decide when.

Bernie said there may be folks who want to comment on the petitioned question. He said he wondered if folks would stick around for the question after disposing of the annual town meeting articles. Jo said it feels very rushed, especially with there being just one day's leeway for scheduling a public hearing. She said the Selectmen have not yet spoken with the Planning Board about the petitioned question. Mrs. Sprague said she has spoken with Planning Board members about this and was advised to go for it. Jo said she was referring only to setting up a public hearing. She said she was uncomfortable with setting up a hearing tonight. She said she was not trying to prevent this from going before the town. She said the task force work will likely take a while. She said if the petitioners were interested in getting some sense of things, they could do a straw poll, though that would not be the same as a petition.

Attorney Mills asked if not the annual town meeting, when? Jo said the town has other issues to deal with such as the school budget. Stu said the school budget would likely go before voters in May, and there will be a validation referendum that would coincide with any state primary votes in June. There was a brief discussion about whether to decide the matter by referendum or open town meeting.

Nathan said Maine Municipal said that the Planning Board hearing requirement means the Selectmen cannot decide on a date tonight. Jo said the Selectmen could, but that would be rude. Gary suggested the Selectmen meet with the Planning Board and discuss the situation. It was questioned why the Planning Board must be the body to hold the hearing. Jo suggested that MMA be asked why the Planning Board must hold a hearing. A procedure discussion followed.

Cynthia said she would push to squeeze this matter in to the annual town meeting warrant, but it's a very complicated process. She said the school budget meeting will be a big draw, and that will happen in the next 6-months. Jo said she would propose to place this issue on the March 6, 2014 agenda to set a date. She said the board will have to set a date within the next 60-days. Ms. Gaianguet said she wondered whether peoples' minds would be split after discussing the school budget. A brief discussion followed.

Jo moved to table the petitioned question town meeting date until the board receives information from Maine Municipal Association, speaks with the Planning board, and to place this on the agenda for March 6th and potentially set a town meeting date then. Nathan 2nd. **Vote in favor was 4-0 (Donaldson abstained).**

Gravel Task Force – There was a very brief discussion about whether this would be called a task force or working group. The name will be discussed at the initial meeting on February 27, 2014.

School Committee – Gordon Donaldson said things are moving along. He said the committee has been having workshops a couple of times a week. Stu cautioned him

that such meetings must be advertised under the Freedom of Access Act. Dr. Donaldson said they toured the building last Friday, and met with faculty members yesterday. He said there was an advertised workshop with the Hancock School Committee, and a lot is going on. He said they have developed a meeting schedule and hope to have a budget ready by early April. He said the hold up on a budget is the effort to find out what services Lamoine could contract with either RSU 24 or the Ellsworth School Department.

Cynthia reported she and Gary attended the community forum on schools. She said there was a lot of enthusiasm and participation. Nathan asked about the school tour. Dr. Donaldson said the building is in pretty good shape though it is aging and there might be some structural issues. He said the RSU is watching money spent in Lamoine, and could want 92% of any significant expenditure back. Nathan noted a new buzzer system was just installed. There was a brief discussion about tracking building improvement cost.

Jo asked if there was a meeting schedule. Cynthia said it was in the last Administrative Assistant's report.

Returnable Requests – Jo moved to assign the April 2014 proceeds from the transfer station returnables to the Lamoine/Bayside Grange. Gary 2nd. **Vote in favor was 5-0.**

Cynthia moved to assign the May 2014 proceeds from the transfer station returnables to the Frenchman Bay Riders Snowmobile Club. Jo 2nd. **Vote in favor was 5-0.**

Other – Cynthia announced that this is most likely her last meeting as a Selectman as she will not make the March 6th meeting. She thanked the folks who served on the Selectboard during her 3-terms and said she'd made new friends and learned a lot. Jo thanked her for her high level of integrity.

The next meeting will be March 6, 2014 as the February 27th date will be the Gravel Task Force meeting.

There being no further business, the meeting adjourned at 8:09 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen